

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	GRANDCOLAS, Michael L. et al.
Application No.	09/671,424
Filed:	September 27, 2000
For:	SYSTEM AND METHOD FOR DELIVERING FINANCIAL SERVICES
Examiner:	Colbert, Ella
Group Art Unit:	3694

AMENDED APPEAL BRIEF

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Amended Appeal Brief under 37 C.F.R. § 41.37 in connection with the decision of the Examiner mailed on January 30, 2007 and is filed in response to the Notice of Non-Compliant Appeal Brief mailed February 18, 2009 directing the filing of an amended appeal brief or other appropriate correction because “[t]he Grounds of Rejection to be Reviewed on Appeal is not consistent with the last Office Action, mailed June 1, 2007” and “[t]he claims 51 and 53 are not consistent with the last Amendment filed, April 26, 2007”.

This Appeal Brief fully complies with all provisions of 37 CFR 41.37(c) and each of the topics required by § 41.37 is presented herewith and is labeled appropriately. It is not believed that any additional fees are due, but if so, please charge any deficiency to Deposit Account No. 50-1458.

(1) Real Party In Interest

The real party in interest is Citicorp Development Center, Inc.

(2) Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3) Status of Claims

Claims 51 and 52 are pending and both have been rejected.

Claims 3-10 and 28-35 have been canceled.

No claims have been allowed.

Claims 1, 2, 11-27, and 36-50 have been withdrawn.

Claims 51 and 52 are hereby appealed.

(4) Status of Amendments

An Amendment AF filed in response to the January 30, 2007 decision of the Examiner proposing to amend claims 51 and 52 was acted upon by the Examiner and was entered.

(5) Summary of Claimed Subject Matter

Independent claim 51 proposes a platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines in which a session request is received from a user using a transaction card at an interactive interface to access said self-service financial transaction device, and a status of the user is ascertained from the transaction card as a customer or non-customer and a local or international user (See, e.g., Specification, p. 6, line 1-p. 7, line 5; p. 41, lines 8-20; and p. 44, lines 12-26 and Fig. 12). Independent claim 51 also proposes that the session request is selectively associated with pre-stored parameters for configuring a standardized user-specific interactive interface, which parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user (See, e.g., Specification, p. 6, line 1-p. 7, line 5 and p. 41, line 20-p. 42, line 11; and Figs. 13, and 14A-14C). Independent claim 51 further proposes that the standardized customer-specific interactive interface is displayed to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user (See, e.g., Specification, p. 41, line 28-p. 42, line 11; p. 42, line 22-p. 43, line 10; p. 43; and

line 19-p 44, line 2 and Figs. 15A-15D).

Independent claim 52 proposes a platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines in which a session request is received from a user using a transaction card at an interactive interface to access the self-service financial transaction device, and a status of the user is ascertained from the transaction card as a customer or non-customer and a vision impaired or vision unimpaired user (See, e.g., Specification, p. 6, line 1-p. 7, line 5; p. 41, line 8-p. 42, line 11; and p. 44, line 27-p. 45, line 8; and Fig. 12). Independent claim 52 additionally proposes that the session request is selectively associated with pre-stored parameters for configuring a standardized user-specific interactive interface, which parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user (See, e.g., Specification, p. 6, line 1-p. 7, line 5; p. 41, line 20-p. 42, line 11; p. 44, line 27-p. 45, line 8; and Figs. 13, and 14A-14C). Independent claim 51 also proposes that the standardized customer-specific interactive interface is displayed to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user (See, e.g., Specification, p. 41, line 28-p. 42, line 11; p. 42, line 22-p. 43, line 10; p. 43, line 19-p 44, line 2; p. 44, line 27-p. 45, line 8; and Figs. 15A-15D).

(6) Grounds of Rejection to be Reviewed on Appeal

Claim 51 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Richards (U.S. 6,539,361).

Claim 52 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Richards (U.S. 6,539,361) and Do (U.S. 6,061,666).

(7) Argument

**The Rejection of Claim 51 under 35 U.S.C. 103(a) as being unpatentable over Richards
(U.S. Pat. No. 6,539,361) is Improper**

Claim 51 stands rejected as obvious over Richards (U.S. Patent No. 6,539,361) under 35 U.S.C. § 103(a). The rejection is respectfully traversed and reconsideration is requested. The reference asserted does not teach or suggest the claimed invention.

Regarding independent claim 51, the Examiner considers that Richards discloses each and every element recited in claim 51 except “ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user”, which the Examiner considers to be obvious because the Examiner considers that “Richards does disclose a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen...and the card reader reading the card data” that the Examiner “interpreted as determining the status of the user as a customer or a non-customer and a local or international user.”

On the contrary, Richards lacks one or more limitations recited in claim 51, and there is inadequate articulated reasoning with rational underpinning to support the Examiner’s conclusion of obviousness, in at least the following respects:

- Richards fails to teach or suggest receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user, as recited in claim 51. On the contrary, according to Richards, the ATM screen simply displays an invitation to users in one or more languages (in much the same way as, e.g., typical shampoo bottle instructions printed in English, French, Spanish, etc.) to touch the screen at a particular spot, and in response to the user touching that spot, the home server to which the ATM is connected activates the ATM card reader and prompts the user to insert his or her ATM card, from which the home server associates the user’s card data with a shared secret, such as the user’s PIN, and prompts the user to enter the user’s PIN (See, e.g., Richards, Col 11, line 46-Col 14, line 64). Alternatively, according to Richards, if the user’s card data includes the

URL address for a server other than the home server, the home server simply forwards the card data via a proxy server to the server corresponding to the user's URL address, which likewise prompts the user to enter the user's PIN (See, e.g., Richards, Col 22, line 30-Col 23, line 52)

- Richards fails to teach or suggest associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface, consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user, as recited in claim 51. Instead, according to Richards, the home server may selectively activate the ATM devices, e.g., to limit the user's access to the ATM cash dispenser if the user is overdrawn (See, e.g., Richards, Col 13, lines 26-36). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server allows the server corresponding to the user's URL address to run the ATM machine but may likewise limit or prevent the user's access to certain ATM functions, such as the cash dispenser (See, e.g., Richards, Col 23, line 52-Col 24, line 9).
- Richards fails to teach or suggest displaying the standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user, as recited in claim 51. Rather, according to Richards, the home server may display a 'personal' page for the user based on the user's gender, associates, accounts and balances, permitted transactions, preferences, interests, and previous offers (See, e.g., Richards, Col 16, lines 10-34). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server may allow the server corresponding to the user's URL address to display its own interface for the user on the ATM machine which can be in

the same or a different language (See, e.g., Richards, Col 24, line 46-Col 25, line 40).

Consequently, Richards does not disclose or even suggest, the required combinations of limitations recited in claim 51. Because the cited reference does not teach the limitations of claim 51, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

The Rejection of Claim 52 under 35 U.S.C. 103(a) as being unpatentable over Richards (U.S. Pat. No. 6,539,361) and Do (U.S. Pat. No. 6,061,666) is Improper

Regarding independent claim 52, the Examiner considers that Richards discloses each and every element recited in claim 52 except ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user, which the Examiner considers to be obvious because the Examiner considers that Richards discloses “a touch screen which includes an icon which indicates that to commence a transaction the user should touch the screen...and the card reader reading the card data” and that “[a]lternative embodiments may include other output devices such as audio speakers” that to the Examiner “indicates that a person who is visually impaired can use the ATM machine.”

The Examiner considers further that Richards fails to disclose “that the customer is vision impaired or vision unimpaired” which the Examiner considers to be taught by Do because Do “discloses an ATM machine for the blind and visually impaired while being useful for the sighted” and that “it would have been obvious...to modify Richards with the teachings of Do because this would allow Richards to have the capability to accommodate customers who are blind or vision impaired or sighted...”

On the contrary, the proposed modification of Richards in view of Do lacks one or more limitations recited in claim 52, and there is inadequate articulated reasoning with rational underpinning to support the Examiner’s conclusion of obviousness, in at least the following respect::

- Richards fails to teach or suggest receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user, as recited in claim 52. Instead, according to Richards, the ATM screen simply displays an invitation to users to touch the screen at a particular spot, and in response to the user touching that spot, the home server to which the ATM is connected activates the ATM card reader and prompts the user to insert his or her ATM card, from which the home server associates the user's card data with a shared secret, such as the user's PIN, and prompts the user to enter the user's PIN (See, e.g., Richards, Col 11, line 46-Col 14, line 64). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server simply forwards the card data via a proxy server to the server corresponding to the user's URL address, which likewise prompts the user to enter the user's PIN (See, e.g., Richards, Col 22, line 30-Col 23, line 52). With regard to the Examiner's claim that a vision impaired person can use the ATM of Richards because of a mention of alternative embodiments with audio speakers, a reading of Richards clarifies that the sole purpose of such audio speakers in Richards is to provide audio instructions indicative of conditions such as problems, as well as corrective action data and repair instructions associated with maintenance and diagnostic messages for servicing the ATM and has absolutely nothing to do with accommodating vision impaired persons (See, e.g., Richards, Col 29, lines 11-38).
- Richards fails to teach or suggest associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface, consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on a status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52. Rather, according to Richards, the home server may selectively activate the ATM devices, e.g., to limit the user's access to the

ATM cash dispenser if the user is overdrawn (See, e.g., Richards, Col 13, lines 26-36). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server allows the server corresponding to the user's URL address to run the ATM machine but may likewise limit or prevent the user's access to certain ATM functions, such as the cash dispenser (See, e.g., Richards, Col 23, line 52-Col 24, line 9). As pointed out by Applicants, support for vision impaired users according to Applicants' claimed invention is treated substantially as if it were a different language, and the phrases on the screens are slightly different, but the same basic application is used to drive them, and there are also differences in screen text so that instructions can be more easily read by a screen reader for vision impaired users.

- Richards fails to teach or suggest displaying said standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52. On the contrary, according to Richards, the home server may display a 'personal' page for the user based on the user's gender, associates, accounts and balances, permitted transactions, preferences, interests, and previous offers (See, e.g., Richards, Col 16, lines 10-34). Alternatively, according to Richards, if the user's card data includes the URL address for a server other than the home server, the home server may allow the server corresponding to the user's URL address to display its own interface for the user on the ATM machine which can possibly be in a different language (See, e.g., Richards, Col 24, line 46-Col 25, line 40). As previously noted, support for vision impaired users according to Applicants' claimed invention is treated substantially as if it were a different language, and the phrases displayed on the screens are slightly different, but the same basic application is used to drive them, and there are also differences in screen text so that instructions can be more easily read by a screen reader for vision impaired users.

- Do fails to remedy the deficiencies of Richards. On the contrary, instead of receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, the transaction card in Do is nothing more than a conventional magnetic stripe card that provides all users access to the ATMs (See, e.g., Do, Col 2, lines 59-60) and Do mentions only in passing that it would be possible for a provision to be made to allow a customer to ask for a large-type visual display (See, e.g., Do, Col 5, lines 4-6).
- In addition, instead of associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface, consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on a status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, Do makes absolutely no distinction between visually impaired and non-visually impaired users, but simply provides an ATM for use by all users (See, e.g., Do, Col 4, line 66-Col 5, line 8).
- Further, instead of displaying a standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, Do displays the same interface with features useful to a visually impaired user to all users regardless of their visual ability (See, e.g., Do, Col 4, line 66-Col 5, line 8).

Consequently, Richards and / or Do, separately or in combination with one another, do not recite the required combinations of limitations recited in claim 52. Because the cited references do not teach the limitations of claim 52, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A.,

1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

(8) Conclusion

For at least the reasons given above, the rejection of claims 51 and 52 is improper. Applicants respectfully request the final rejection by the Examiner be reversed and claims 51 and 52 be allowed.

Respectfully submitted,

Date: 3/13/09

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(9) Claims Appendix

51. A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising:

receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user;

associating, selectively said session request with pre-stored parameters for configuring a standardized user-specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user; and

displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user.

52. A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising:

receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user;

associating, selectively said session request with pre-stored parameters for configuring a standardized user-specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on a status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user; and

displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user.

(10) Evidence Appendix

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 and no other evidence entered by the examiner and relied on by appellant in the appeal.

(11) Related Proceedings Appendix

There are no other decisions rendered by a court or the Board in any other appeals or interferences related to this case.